

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

August 23, 2010

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **August 23, 2010**, at 8:08 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from Public Hearings for Bills Numbered 10-21, 10-22 and 10-23, and a Regular Meeting of Council held July 26, 2010.

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve the minutes** as presented. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: "At this time, I would like to introduce another student that we have here in the room with us. School hasn't started but just the last few days, and they're already out on assignments coming to County Council Meetings. This is Spencer Tickerhoof. Spencer, do you want to stand up just a second. I think, Donna, is this your son? Oh, ok; he's the son..."

[clapping]

Chairman Daniel Davis: "...he's a Berkeley High School Senior, and he's here for class credit. I think, that means you can fail a grade, and they wipe it off or something like that?"

[laughter]

Chairman Daniel Davis: "But, he is also the son of Donna Osborne, so it's good to have you with us, Spencer."

Mr. Tickerhoof: "Thank you."

PUBLIC DISCUSSION

Mr. John Schafer: "Good evening; my name is John Schafer. I'm representing Lanxess Corporation. The item on the agenda was the letter from Ray Newhouse, requesting an extension to be able to reclass the plant industrial zone. And, the reason that we're here tonight was just to explain a little bit more information. Basically, the plant is approximately 1,600 acres, and out of that 1,600 acres, we were looking at 700 acres is in timber and marshland. And, over the years, all 1,600 acres have been classified as industrial use, which that's not what has been going on with those 700 acres. So, we were just asking if Council could consider allowing us to have an extension to be able to file the proper paperwork to be able to get that considered for a reclassification into an agricultural zone."

Chairman Daniel Davis: "Ok; thank you. I think, I talked to Martin. He was going to write another letter to us, so. Ok; anyone else?"

There were no others to address Council.

EXECUTIVE SESSION – none

TIMOTHY C. WINSLOW, ESQUIRE, SOUTH CAROLINA ASSOCIATION OF COUNTIES: PRESENTATION

Chairman Daniel Davis: "Alright, at this time, I'd like to recognize Tim Winslow. Tim is an attorney with the South Carolina Association of Counties. We work with him quite a bit, and he has a little information for us from the County Association."

Mr. Tim Winslow: "Thank you, Mr. Chairman and Members of Council. This is Wes Covington, who I drug down here with me, but since he lives in Summerville, this is kind of a good trip for him, but he has a pack of information that we wanted to bring you all today. I'm here today, and may I say first of all, I sure wish they'd given credit for coming to Council Meetings. I could have used a couple of F's in high school to be erased."

[laughter]

Mr. Winslow: "I'm here today to discuss our service package. We come to every County every couple years just to go quickly through our service package that we provide to the counties, and also to ask Council whether or not they have any recommendations on any additional services we can provide or if there's a better method for us to provide those services to Council. Some of the things that the South Carolina Association provides is insurance coverage, in this case, Worker's Comp, conferences and educational opportunities, legal assistance, set-off debt, public information, research and technical assistance, and legislative information. That strikes me as a long laundry list. When I first started doing this, I was like, wow, I didn't realize we provided all those services either. So, I consider this kind of an educational opportunity for myself. The insurance – ya'll are in the Worker's Compensation Trust, and the way that trust works is all the counties own the Worker's Compensation Trust, and the Association of Counties administers the trust on behalf of the counties. The idea behind that is – that way, we don't run it for profit, which leads to taxpayer savings, because the counties themselves own it, and so, it's not run for a profit. Instead, it's owned to benefit the counties and the counties' taxpayers. Like I said, the goals of the trust are to provide insurance to counties at the lowest rate possible. Rates are based on the accident histories of the individual county and the counties as a whole, so the integral part of that trust is our risk management services. And, you'll see in the handout that we have a memo that describes some of the risk management services and training we are providing this year, and you'll see – I saw the introduction to this the other day, which was blood borne pathogens, and I immediately ran out of the room. I think the Risk Managers, probably, would glean a lot from that sort of training. The OSHA Training requirements, in fact, October 20th is taking place right here in this very building. So, those are some of the services regarding risk management that our Insurance Department provides. Hopefully, the risk management services can lower premiums, saving taxpayer dollars, and creating a safer work environment. We also have a Property and Liability Trust. You all are currently a member, but I wanted to mention that. We provide educational opportunities, and I said earlier, conferences and educational opportunities. Educational opportunities generally run with the conferences. In fact, one could argue that they are actual educational seminars. The annual conference took place just a couple weeks ago. At that conference, you had courses, like Bonding 101, and, of course, I thought was kind of interesting, which was how to deal with your congressman, but not go into Washington, DC, to get them to do what you want them to do. You can go to – we have a competition, the Jay Mitchell Graham Award Competition. What that allows is counties to compete to show whether or not they feel like some of the innovations that they've made can earn this award. But, what it really leads to is if you sit through some of the presentations, which I was fortunate enough to do this year, you learn a lot of cool things that are going on in other counties that, perhaps, you can take back to your County and utilize. For instance, this year, Orangeburg County explained how they built their water park utilizing federal funds and the Capital Project Sales Tax, and therefore, not relying at all on ad valorem tax base. Richland County has a Kids 101 Course, which actually was in the State Paper the other day where they take children in the community and teach them what Richland County Government does. The Greenwood Neighborhood Revitalization Project, and I hate to admit, the one that I kind of thought was the coolest was Beaufort's, which allows for real time comments over the internet from their constituents. They broadcast their council meetings over the internet and can get real time comments from, I guess, from their citizens. We have the Institute of Government, which precedes all these conferences. The Institute of Government helps county officials enhance their skills and abilities. They teach classes like legal issues in county government, ethics and public

service and the property taxation process. Additionally, at these meetings often times, for instance, the Assessors met and heard from DOR, and DOR talked to them about the recent ALJ, excuse me, the recent Attorney General's Opinion, which deals with the way you reassess property. So, you can learn a lot of these at these conferences. We also have a Land Use Planning Certification Course. It was the first one ever certified. All your land use planners have to take these courses. Like I said, we were the first. I always say we have the best. It's written in my notes, and I stand by that. We have several workshops though the year with teleconference training through ETV, which means that your employees can get the training without actually having to go anywhere. They can stay in the office and get the training over the internet or through ETV from the ETV Offices. We provide legal assistance through the County Attorney. I don't think that Nicole needs any of my assistance, but we provide legal opinions. Generally, the way that works is Nicole calls and says, 'do you all have anything in the file regarding this', or if a Council Member calls, we'll talk it out with the County Attorney and discuss what our opinion is, and, generally, bow to their superior knowledge and, occasionally, disagree, but once again, since they're the County Attorney, that's who you should listen to. I run into that every now and again. Amicus Briefs, if something goes to the Court of Appeals or the Supreme Court, a county can ask our board to approve an Amicus Brief to be written by the Association of Counties, and that runs with the case. We'll provide the Local Government Attorney's Institute on December 10th, and that's an opportunity for all the local government attorneys to come and get six hours of CLE credit at, what we hope, a very reasonable rate. We have the set-off debt collection segment of the Association of Counties. That allows counties to collect delinquent emergency medical debts, Magistrate and Family Court fines, hospital debt and other fees, including taxes. Berkeley County participates through their Emergency Medical Services, Summary Court and the County Water and Sanitation. Last year, Berkeley County recouped \$204,765.00 thru June of this year through participation of the Set-Off Debt Program. We have public information in the packet Wes handed out. You have the Carolina Counties Newsletter, County Focus Magazines that has articles on county trends, innovations and other subjects of interest to county officials. We have the Research and Technical Assistance Branch, which, I hate to say it, I actually delve into every now and again in the sense that when I'm down at the General Assembly, they might ask me, for instance, what are the property tax rates in my county or in another county. The Association of Counties, through our Research and Technical Assistance Branch provides a copy of the tax rates by county and municipality and special purpose district for all the counties in the state. And, that's the only place you can get that resource, so, I tend to wander around with it in my hands in case a Member of the General Assembly comes out and asks for it. Additionally, for instance, when I was test flying once, they asked how many counties had filed a state Poly's Schedule. The only place you could get that information was through our Research Department, so, I was able to provide that information. The wage and salary report is another thing through our Research Department, and that allows you to view y'all's wages in line with other counties of similar size and make sure that those are in line, and put you in a competitive atmosphere. Finally, the legislative information part segment, which, I smile, because that's the easiest one for me to explain, since that's the part that I actually do. What we do, of course, is provide legislative services as liaison between y'all and the General Assembly. Most of our job entails reporting to y'all what the General Assembly is doing or is not doing, and then, hopefully, providing them input from y'all regarding what y'all feel about the various bills as they flow through the General Assembly. We have found that roughly 70 percent of all bills that go through the General Assembly impact county government

in some way. Lately, it's actually been roughly about 80 percent. Fifty percent, generally, entail at least some input from county government regarding whether or not that it affects county government in the good or the bad. Well, last year, as ya'll know, we didn't have a lot of great news coming out of the General Assembly. I think the ATI Bill will be active again. I can guarantee that the Local Government Fund is in danger of being cut again. Based on my estimate of the way the state budget is going, they are going to have to rely heavily on mandates and the Local Government Fund. I'm not entirely sure what resources they're going to have. That doesn't even begin to come close to the billion dollar deficit that they are looking at. Upcoming legislative steering committees – in other words, for our legislative process, we're asking you to provide us ideas or things you like or dislike that could come out of the General Assembly. You all should have already received a memo from our office asking you to provide input in our legislative steering process. Any ideas that y'all have that you would like to be considered, we'd ask that y'all send those into our office. The Steering Committees meet on September 14th and 16th. The County Council Coalition meets on October 15th, and then, the Steering Committees meet again December 3rd and 4th. That's pretty much all I have regarding our service package, but I'm more than willing to answer any questions y'all might have about what we do or anything – I hope you all stick to the General Assembly if you're going to ask me questions, because if you ask me insurance questions, I think, I can answer them, but it's going to be pretty sketchy."

Chairman Daniel Davis: "Anyone have any questions for Tim?"

There were no questions.

Chairman Daniel Davis: "Alright, Tim; thank you very much."

Mr. Winslow: "Thank y'all."

Chairman Daniel Davis: "Good to see you again."

MS. LISA JONES, TRIDENT UNITED WAY: PRESENTATION

Chairman Daniel Davis: "Ok; we have another presenter. At this time, I'd like to recognize Chris Kerrigan with the Trident United Way. I understand you have some words of wisdom for us."

Mr. Chris Kerrigan: "I invited Lonnie Carter, CEO and President of Santee Cooper, who is also Trident United Way's Board Chair. I'd like to recognize Nita (Turner) for the great job that she is in chairing the Berkeley County Employees Campaign. My job is to come out and say thank you, thank you on behalf of tens of thousands of people here in Berkeley County that receive help through your generous support of Trident United Way. We put a packet of information together for you. You can see up on the screen that the slide – United Way is focused on the building blocks of a quality life. Obviously, education – education leads to greater financial stability or income. Greater income, financial stability, leads to greater health outcomes. As you can see on the next screen, these are the organizations that Trident United

Way funds that serves the people of Berkeley County. You'll recognize the many right off the top, organizations like Berkeley Citizens, Berkeley Seniors, the Carolina Youth Development of the Colleen Lacey. Also, with the regional organizations, like MUSC or the Lowcountry Food Bank that provides direct support to the citizens of Berkeley County. But, United Way also realizes that faith-based, traditional valued organizations provide a tremendous role in the services that they provide. You know, when we don't pass around the collection plate in faith-based organizations to support United Way, but we know the important work that they provide in providing emergency assistance, certainly, during these most difficult of economic times. Trident United Way is providing to these churches the resources and technical assistance to make sure that those dollars that are collected are going to help the most people possible through a charity software package we call Charity Trackers. Those are the faith-based organizations that we are partnering with here in Berkeley County. Also, coming up on September 14th will be our 11th Annual Day of Caring, an opportunity that we bring corporations and businesses that put teams of volunteers out in the community. Interesting enough, our region has one of the largest Day of Caring in the entire country, and you can see that these Berkeley County employees are gonna be providing thousands of their employees the opportunities to come back to give back to Berkeley County with these agencies that are providing great services. So, you see, over 30 opportunities that those corporations on one single day – about a million and a-half dollars will be donated through that day of caring effort. So, if you think about private philanthropy, United Way. I talked about faith-based philanthropy through our Charity Tracker software. We also, here in Berkeley County, provide the guidance over the emergency food and shelter program. You can see, in addition to the United Way, support that these organizations are already receiving. Through the FEMA, we're directing an additional \$117,000 of support. And, I just might highlight one agency that we're working for. If we had the opportunity to bring Dr. Norton, you may not – Dr. Norton is the great Principal in St. Stephen's Elementary School. We fund a program there we call Links to Success. And, what we do is we provide Berkeley County communities and schools \$42,000 to hire a site coordinator, a site coordinator that works directly there at that elementary school. We have another site coordinator that works at the middle school, because we realize the impact of poverty on education. In addition to that, we then link all the other social services that are available. So, if you think about the food bank and the Backpack Buddies Program, if you talk about financial literacy, if you talk about emergency assistance, everything that United Way does is linked into that school system. But, more importantly, when you give to United Way, you know your contribution is making a measurable difference, because we insist that every organization that receives any Trident United Way support provide the measurement about how that organization is doing with the clientele. In that school, 88 percent of the kids that participate in that program not only increase their academic scores, but 89 percent of them also increase their behavioral issues. And so, and finally, if you're ever driving down 325 East Main Street, you will know that there's a Trident United Way Service Center that's located there, where we provide 10 not-for-profit organizations free rent, free electricity, free meeting space, free IT, so those 10 programs and services don't have to pay for the administrative cost of operating an office, can then focus on the client. Last year, just in that one facility, 16,000 Berkeley County citizens came through seeking support from one of those organizations. And, with that, I thought I'd turn it over to Lonnie just to say a few words as Board Chair of your support of United Way, and then, I'd be happy to answer anybody's particular questions."

Mr. Lonnie Carter: "I think, you can see, Mr. Chairman, that Chris is an auctioneer in his other life. He can talk fast, can't he?"

Chairman Daniel Davis: "And doesn't leave you with much to say, does he?"

Mr. Carter: "He doesn't. I'll tell you, as a Berkeley County citizen, we are very fortunate to have Chris and the Trident United Way working in our community, because I can tell you that when we raise money, mostly, I've worked on the raising money side of Trident United Way. We've had very successful campaigns, and I really believe it's because we established real goals and measures that will make a difference in peoples' lives around these three very important issues, which are income, health and education. And, without those, I think, you really don't have much success or ability to have a quality of life. And, we certainly make a difference. And, at Santee Cooper and at many of the other organizations that you saw listed earlier, we're proud to support Trident United Way through our campaigns that we do internally and also through Day of Caring and other opportunities to volunteer. So, I want to say thank you to Berkeley County, because Berkeley County has had one of our better campaigns through your generous contributions through your employees. So, we hope you will continue to allow us to have a campaign here, and help us to continue to support our community. So, thank you for letting us be here tonight. I do have to admit, Mr. Chairman, I've lived in Berkeley County. Most of you know me very well. I've lived here 28 years, and this is the first time I've had the pleasure of being at a Berkeley County Council Meeting."

[laughter]

Chairman Daniel Davis: "Well, Lonnie, are you coming back?"

Mr. Carter: "Mr. Chairman, if you need me, I'd be glad to come back."

Chairman Daniel Davis: "Alright, we'll let you know."

Mr. Kerrigan: "Just in closing, again, your continued support is so critical. Nita is chairing the campaign out here. She does a great job of chairing your HR Department. She also passed out to the Members of the Council also a pledge card and a brochure. We'd certainly like to appreciate your financial support of our campaign and demonstrate your commitment to our community. But, again, thank you for the opportunity, and it's been a pleasure to be out here tonight."

[clapping]

Chairman Daniel Davis: "Chris, we've got an extra five minutes. You can pass the plate now, if you like."

[laughter]

CHAIRMAN OF COUNTY COUNCIL

THIRD READING

“BILL NO. 10-24, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-08-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE ‘BERKELEY COUNTY ZONING ORDINANCE’ AND AMENDING ORDINANCE NOS. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92 AND 07-07-43, IN REGARD TO THE REGULATION OF INSTITUTIONAL RESIDENTIAL LAND USES AND CHANGES TO THE PERMITTED USE TABLE.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve Bill No. 10-24** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-24 is attached to these minutes.)

“BILL NO. 10-25, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #177-00-00-165.”
(Maxine Winningham)

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to **approve Bill No. 10-25** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-25 is attached to these minutes.)

“BILL NO. 10-26, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #210-00-00-198.”
(Robert & Lori Hammond)

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve Bill No. 10-26** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-26 is attached to these minutes.)

“BILL NO. 10-27, AN ORDINANCE CALLING FOR A REFERENDUM AUTHORIZING SOUTH CAROLINA DEPARTMENT OF REVENUE TO ISSUE TEMPORARY PERMITS TO ALLOW FOR THE POSSESSION, SALE AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK TO BONA FIDE NONPROFIT ORGANIZATIONS AND BUSINESS ESTABLISHMENTS AUTHORIZED TO BE LICENSED FOR CONSUMPTION-ON-PREMISES SALES AND TO ALLOW FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION WITHOUT REGARD TO THE DAYS OR HOURS OF SALE.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve Bill No. 10-27** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-27 is attached to these minutes.)

“BILL NO. 10-28, AN ORDINANCE AMENDING GENERAL BOND ORDINANCE NO. 96-07-33, WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF **SOLID WASTE SYSTEM REVENUE BONDS OF BERKELEY COUNTY, SOUTH CAROLINA; EXPANDING THE DEFINITION OF SYSTEM THEREIN; AND OTHER MATTERS RELATING THERETO.”**

It was moved by Council Member Callanan and seconded by Council Member Fish to **approve Bill No. 10-28 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-28 is attached to these minutes.)

“BILL NO. 10-29, AN ORDINANCE AMENDING GENERAL BOND ORDINANCE NO. 91-04-10, WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS OF BERKELEY COUNTY AND GENERAL BOND ORDINANCE NO. 03-03-12, WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF **WATER AND SEWER SYSTEM REVENUE BONDS OF BERKELEY COUNTY, SOUTH CAROLINA; EXPANDING THE DEFINITION OF SYSTEM THEREIN; AND OTHER MATTERS RELATING THERETO.”**

It was moved by Council Member Callanan and seconded by Council Member Fish to **approve Bill No. 10-29 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-08-29 is attached to these minutes.)

Chairman Daniel Davis: “Folks, one of the reasons those go pretty quick is because they have already been heard about four times by this Council, so there’s not much to discuss any more.”

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 10-30, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR **TMS #242-00-02-055.”**
(Danny Baston)

“BILL NO. 10-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR **TMS #161-14-00-024 AND #161-14-00-025.”**
(John and Lucretta Winningham)

“BILL NO. 10-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #175-00-01-064.”

(Johnnie Capers for Leonard Boyd and Jack Pryor)

“BILL NO. 10-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-174 AND #271-00-02-029.”

(Earthsources Engineering for Shirley Huggins and John Avinger)

It was moved by Council Member Schurlknight and seconded by Council Member Fish to approve Bills Numbered 10-30, 10-31, 10-32 and 10-33 for Second Reading by one motion. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Daniel Davis stated there were three bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 10-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #180-14-01-038.”

(Lloyd Driggers, Jr.)

“BILL NO. 10-35, A SEVENTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, COMBINED UTILITY SYSTEM REFUNDING REVENUE BOND, SERIES 2010, IN THE PRINCIPAL AMOUNT OF \$1,695,000, FOR THE PURPOSE OF REFUNDING THE COUNTY’S \$1,695,000 SOLID WASTE SYSTEM REVENUE BOND, SERIES 2005; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 10-36, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 09-11-55, THE ARTERIAL ROADS OVERLAY ORDINANCE, AND ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, ADDING ARTERIAL ROADS TO THE OVERLAY DISTRICT AND PROVIDING FOR THE REGULATION OF TEMPORARY SIGNAGE WITHIN THE OVERLAY DISTRICT.”

Chairman Daniel Davis: “Mr. Greenway, do you have anything else you need to add to that?”

Mr. Eric Greenway, Planning & Zoning Administrator: “Just one quick thing. This has not gone to the Land Use (Committee) and Planning Commission at this point. We needed to do

this quickly to take care of an issue that we have regarding this amendment to add some roads to the overlay. I just wanted Council to understand that this will be going to the Planning Commission at their regular September Meeting. It will be on Land Use at the regular September Land Use Committee Meeting. But, we did have to take it a little bit out of order. I realize it's out of order, but in this particular case, it was necessary to do that to deal with the situation."

Chairman Daniel Davis: "Alright; thank you."

Ms. Nicole Scott Ewing, County Attorney: "And, Mr. Chairman, just to follow up on that, one of the reasons was so that we could invoke the pending ordinance doctrine, if necessary."

Chairman Daniel Davis: "Right; ok."

RESOLUTIONS

"RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET."

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve** the **resolution** providing for a transfer of funds in the 2009-2010 Berkeley County Budget. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-36 is attached to these minutes.)

"RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2010-2011 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET."

It was moved by Council Member Call and seconded by Council Member Schurlknight to **approve** the **resolution** providing for a transfer of funds in the 2010-2011 Berkeley County Budget.

Chairman Daniel Davis: "Any discussion?"

Council Member Steve Davis: "Yeah; I'd like to know what exactly transfers we're talking about."

Ms. Kace Smith, Finance Director: "That is for the Pooled Fire Fees."

Council Member Steve Davis: "Ok; just the Pooled Fire Fees?"

Ms. Smith: "And, also the Airport improvement grant that you all approved at the last Committee Meeting."

Council Member Steve Davis: "Ok; what about the three hundred something thousand dollars that we discussed? That's going to be addressed in that also?"

Ms. Smith: "We will get that addressed to you all, yes, but normally, it's not in the transfer resolution, because that's normally not a budgeted item in the budget."

Council Member Steve Davis: "Ok; thank you."

Ms. Ewing: "Mr. Davis, just to follow up on that, we will have to present some, probably, a resolution to Council for its approval following up on its motion, and we hope to get that to you for next month's meeting."

Council Member Steve Davis: "Thank you."

Ms. Ewing: "But, the motion will show up in the minutes as approved and documented."

Council Member Steve Davis: "Ok."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "So, the motion with regards to the resolution that we approved in Finance Committee is going to be on next month's agenda? Is that what you are saying?"

Ms. Ewing: "That's correct. We're gonna have to follow up with a written resolution. We just need to huddle up and find out exactly what documentation we need to do..."

Council Member Callanan: "Ok."

Ms. Ewing: "...to record it."

Council Member Callanan: "Thank you."

Chairman Daniel Davis: "Ok, now we have a few reports from Committees, Finance, Mr. Schurlknight."

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night, and all matters have been addressed with this night’s agenda. Also, I was wanting to do a little follow-up with Trident Technical College and the funding, but I think we’ve answered that in that discussion right prior to, and we’ll be getting those resolutions submitted in next month, and get them on the agenda.”

(That concluded Chairman Schurlknight’s report.)

Council Member Steve Davis: “Mr. Chairman, Dan? Did you call for the vote on that last resolution? I don’t recall. If my mind’s not slipping, I had a discussion, and then...”

Chairman Daniel Davis: “I think so. The second resolution from a moment ago? Yeah; I believe we did.”

Council Member Steve Davis: “I remember Tim chiming in and making a comment, but I don’t remember you actually going through the vote after that, but maybe, I missed it.”

Ms. Barbara Austin, Clerk of Council: “Mr. Chairman? It wouldn’t hurt to call for the vote.”

Chairman Daniel Davis: “Alright, we can do it again.”

Council Member Steve Davis: “Thank you very much. Thank you.”

Chairman Daniel Davis called for the vote on a motion made by Council Member Call and seconded by Council Member Schurlknight to **approve** the **resolution** providing for a transfer of funds in the 2010-2011 Berkeley County Budget. The motion passed by unanimous voice vote of Council. *(A copy of Resolution No. 10-37 is attached to these minutes.)*

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “On the Finance Committee report, can we report that out of Finance Committee as – the way that it was written, so this way, it can just go right on the agenda if there’s no Finance Meeting, but if we had a Special Council Meeting or something.”

Ms. Ewing: “That would be fine.”

Council Member Callanan: “Can we do that, Jack?”

Council Member Schurlknight: “Sure, sure; that’s not a problem. Ok, I’ll call the Finance Committee back to order.”

Chairman Daniel Davis: "Ok, I'll tell you..."

Council Member Schurlknight: "Barbara."

Ms. Austin: "Sir?"

Chairman Daniel Davis: "Go ahead, Jack."

Council Member Schurlknight: "I can go ahead, and report it out."

Chairman Daniel Davis: "Do you have another matter to report out of Finance, Mr. Schurlknight?"

Council Member Schurlknight: "Yes, I do."

Chairman Daniel Davis: "Ok, go ahead."

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: "Ok; thank you; Mr. Chairman, on recommendation of the Committee, I recommend **approval** for Trident Technical College of \$338,750.00 for this year's pledge towards the nursing school."

Chairman Daniel Davis: "Is that a motion?"

Chairman Schurlknight: "Yes." (*No second to that motion required.*)

The motion passed by unanimous voice vote of Council.

(*That concluded Chairman Schurlknight's report.*)

Committee on LAND USE

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: "Mr. Chairman, the Committee on Land Use met on August 9, 2010. Many of the matters have been addressed on this night's agenda."

Deny Raymond Newhouse/Lanxess Corporation filing extension

Chairman Farley: "On recommendation of the Committee, I move to **deny** the request by Raymond Newhouse for Lanxess Corporation for filing extensions for agricultural use for tax years 2007, 2008 and 2009, on TMS #246-00-00-019. (*No second required.*)"

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Farley's report.)

**Committee on PUBLIC WORKS AND PURCHASING
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: "Mr. Chairman, the Committee on Public Works and Purchasing met on August 9th and earlier this evening. Several of the matters before the Committee have been addressed earlier on this night's agenda."

- a. Purchase and Installation of Cogsdale Utility Billing Software
[\$656,593; \$131,319 Initial Amount; \$172,938 Annually – 4 Year Period]
Berkeley County Water and Sanitation**

Chairman Call: "On recommendation of the Committee, I move to **approve** the purchase and installation of a Cogsdale Utility Billing Software System for Berkeley County Water and Sanitation, as follows: initial amount is \$131,319.00; annual amount for four years is \$172,938.00; total cost of \$656,593.00." *(No second required.)*

The motion passed by unanimous voice vote of Council.

- b. Purchase of Motor Grader Budgeted in Fiscal Year 2010-2011
[\$178,989 Purchase Price; \$5,973 Extended Warranty; \$18,990 Service Contract; \$203,952 Total Purchase Price]
Roads & Bridges Department**

Chairman Call: "Also, On recommendation of the Committee, I move to **approve** the purchase of a motor grader, budgeted in Fiscal Year 2010-2011 for the Roads and Bridges Department; the total purchase price is \$203,952.00." *(No second required.)*

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: "I guess, I want to follow up, is that contract was let on March 23rd, and one of the reasons they got the contract, because they could met the 120-day delivery problem – 120-day delivery date. I'm assuming we have that grader in our position five months later. Is that true?"

Chairman Daniel Davis: "John; ask the question. I'm not sure I even understood the question."

Mr. John Hamer, Procurement Director: "He said he could meet all requirements of that bid, so once we place the order, he said it should be in some time by December/January."

Council Member Fish: "That's more than 120 days, Mr. Hamer. Is that right?"

Mr. Hamer: "That's four months. He should be able to meet that. That's..."

Council Member Fish: "My concern is, that's one of the reasons they got the bid – they can meet that requirement. The contract was led back in March. That's all; thank you; that's all I wanted to know."

Mr. Hamer: "He should be able to meet that. We'll confirm that. If he can't, we will come back to you, and let you know, but he said he would meet all requirements."

Council Member Fish: "My concern is that, again, Caterpillar's not meeting the contractual arrangements, so, thank you."

Chairman Daniel Davis: "Any other discussion?"

There was no further discussion.

On a call for a voice vote, the results were unclear.

Chairman Daniel Davis: "Can we have a roll call, please?"

Council Member Callanan: "The 'Ayes' have it."

Chairman Daniel Davis: "I couldn't tell."

Council Members voting 'Aye': Farley, Schurlknight, Pinckney and Steve Davis.

Council Members voting 'Nay': Nay, Cathy Davis and Fish.

Council Member Callanan: "And Call. He can, can't he?"

Chairman Daniel Davis: "Yeah, this is full Council."

Ms. Austin: "Council Member Call."

Council Member Call: "I made the motion; aye."

Ms. Austin: "It's already four to three."

Council Member Fish: "No one cares about contracts, I guess."

Chairman Daniel Davis: "The 'Ayes' have it."

Council Member Callanan: "Right."

The motion passed by majority voice vote of Council.

**c. Award of Contract I and Contract II
[Runway Rehabilitation/Lighting and Drainage Improvements]
Airport**

Chairman Call: "Also, on recommendation of the Committee, I move to **approve** the **award** of Contract I for the Berkeley County Airport runway rehabilitation and lighting improvements to APAC Tennessee, in the amount of \$2,973,544.55; and to **award** Contract II for drainage improvements to Sanders Brothers Construction, in the amount of \$634,529.50." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call's report.)

**Committee on JUSTICE AND PUBLIC SAFETY
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: "Mr. Chairman, the Committee on Justice and Public Safety met earlier this night, and all matters before the Committee have been addressed earlier on this night's agenda."

(That concluded Chairman Steve Davis' report.)

**Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: "Mr. Chairman, the Committee on Water and Sanitation met on August 9th. All matters before the Committee have been addressed on this night's agenda."

(That concluded Chairman Callanan's report.)

**Committee on PLANNING AND DEVELOPMENT
Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: "No report, Mr. Chairman."

(That concluded Chairman Cathy Davis' report.)

Committee on COMMUNITY SERVICES

Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: “Mr. Chairman, the Committee on Community Services met on August 9th, and many of the matters before the Committee have been addressed earlier.”

- a. **Approval to Submit Grant Proposal to Google**
[Amount of \$50,000]
Berkeley County Library System

Chairman Pinckney: “On recommendation of the Committee, I move to approve the submission of a grant proposal for \$50,000 to Google to assist in the purchase and equipping of a mobile literacy library.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

- b. **Approval to Apply and Accept SCAC Grant**
[Amount of \$94,298]
Berkeley County Airport

Chairman Pinckney: “Also, on recommendation of the Committee, I move to approve the application and acceptance of an SCAC Grant, in the amount of \$94,298.00, for the Berkeley County Airport.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney’s report.)

Committee on HUMAN SERVICES
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “No report.”

(That concluded Chairman Fish’s report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Cathy Davis nominated Ms. Ann Birch, Mr. Marty Richard and Mr. Gary Hogsten for re-appointments to the Sangaree Special Tax District Advisory Commission.

It was moved by Council Member Cathy Davis and seconded by Council Member Farley to approve the nominations to the Sangaree Special Tax District Advisory Commission. The motion passed by unanimous voice vote of Council.

Council Member Fish nominated Mr. Mark Blevins for re-appointment to the Tall Pines Special Tax District Advisory Commission.

It was moved by Council Member Fish and seconded by Council Member Farley to approve the nomination to the Tall Pines Special Tax District Advisory Commission. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The September 2010 Regular Meeting of Berkeley County Council will be held on Monday, September 27, 2010 immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Schurilknight and seconded by Council Member Steve Davis to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:50 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 8:56 p.m.

Mr. Greg Adams: “My name is Greg Adams. I’m at 529 Brick Barn Lane. I’m a proud owner of a new home, so you can say I’m vested now. I have a couple of questions, as a matter-of-fact. Every time I attend these sessions, I come up with more and more questions, which is good. One of the small questions that I had was we talked about approval for a grant proposal for the Google mobile, I guess, is what I’m calling it. The County is giving a grant of \$50,000. Do we know what the total cost of that vehicle’s gonna be, how much Google is investing into that project?”

Chairman Daniel Davis: “Well, I’ll tell you what. Go ahead, and Ms. Osborne will be glad to talk to you about that after your comments.”

Mr. Adams: "Ok; some of the other questions I have, let me think, it was in reference to the Stormwater Management Program Resolution and where the revenue from those – from that project is actually going into. I had a couple of questions. If I can recall, the last meeting we attended, there was a statement that there was some monies that had to be transferred from one year's budget to another to cover the cost of some of that. Does that necessarily mean that now, we can say that the budget was not balanced, either last year's or this year's, because of that transfer of funds?"

Chairman Daniel Davis: "No, that was one line item in the budget."

Mr. Adams: "But, if the budget was balanced, and then we transferred funds out or in, wouldn't that make it not balanced?"

Council Member Callanan: "From Contingency."

Chairman Daniel Davis: "Huh?"

Council Member Callanan: "From Contingency."

Chairman Daniel Davis: "Well, I'll tell you what, again, with questions, this is supposed to be a comment period. I will direct – Kace Smith, our Finance Director, would be glad to answer that part for you – explain that for you."

Mr. Adams: "Ok; well, my final comments portion of it is actually directed also at the Stormwater Management Resolution also. My feelings on something to that effect is I notice that the other counties are doing it as well, but we haven't implemented that type of process yet. Would this not be a deterrent to business during these tough economic times? Isn't this counter-intuitive to a county that claims to be business-friendly to start raising fees and funds and things like this, and another – something that might be a question or more of a statement – will this revenue cover the course of enforcement or is this going to be a negative thing going through?"

Chairman Daniel Davis: "Well, I'll answer that for the most part. We don't know, yet, what our costs are going to be in the overall Stormwater Management Program. You know, we are required to implement that by the Federal Government. This is not a want to do thing. This is a mandate that we've got to abide by. Here-to-for, we've not been charging anything for inspections and plan reviews. That's what these fees are for. They're not actually fees to address stormwater or to do inspections of stormwater facilities. It's only planned review fees. So, as our program matures to the level that some other counties have them, they're wouldn't most definitely be fees. Either you charge fees, or it would have to be supported by taxes. Typically, it is a user fee, and that's typically the way they are assessed to operate the program, but we are quite away from having to address it at that level, because right now, we're just checking plans for the facilities that developers are installing."

Mr. Adams: "Alright; thank you very much."

Chairman Daniel Davis: "You're welcome."

Public Discussion ended at 9:00 a.m.

S/Barbara B. Austin, CCC
Clerk of Council

September 27, 2010
Date Approved